

**Senate File 2174 - Introduced**

SENATE FILE 2174

BY COURTNEY

**A BILL FOR**

1 An Act relating to the access to and retention of peace officer  
2 body camera data.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1     Section 1. NEW SECTION.   **80C.1 Definitions.**

2     As used in this chapter, unless the context otherwise  
3 requires:

4     1. "*Body camera*" means an electronic device that is capable  
5 of recording video and audio data or capable of transmitting  
6 video and audio data to be recorded remotely, and is worn on  
7 the person of a peace officer, which includes being attached to  
8 the officer's clothing or worn on eyeglasses.

9     2. "*Peace officer*" means a peace officer defined in section  
10 801.4, subsection 11, paragraph "a", "b", "c", "f", "g", "h",  
11 or "i", or a certified law enforcement officer under section  
12 80B.18.

13    3. "*Subject of the data*" means a person whose image or voice  
14 is recorded by a body camera.

15    Sec. 2. NEW SECTION.   **80C.2 Body cameras — peace officers.**

16    1. Except as otherwise provided in this section, a law  
17 enforcement agency that employs a peace officer whose body  
18 camera records body camera data shall retain the data for six  
19 months from the date it was recorded, after which time the data  
20 shall be permanently deleted.

21    2. Body camera data shall be automatically retained for at  
22 least two years from the date of the recording under any of the  
23 following circumstances:

24    a. The data involves any use of force.

25    b. The data involves events leading up to and including an  
26 arrest or detention of a person.

27    c. The data involves an encounter about which a formal or  
28 informal complaint has been registered by a subject of the  
29 data.

30    d. The peace officer whose body camera recorded the data  
31 voluntarily requests retention if that officer reasonably  
32 asserts that the data has evidentiary or exculpatory value.

33    e. A peace officer, who is a subject of the data recorded  
34 by another peace officer's body camera, and who voluntarily  
35 requests retention of the data if that officer reasonably

1 asserts that the data has evidentiary or exculpatory value.

2 *f.* A superior peace officer who requests retention of the  
3 data if that officer reasonably asserts that the data has  
4 evidentiary or exculpatory value.

5 *g.* A peace officer who voluntarily requests retention of the  
6 data if the data is being retained solely and exclusively for  
7 law enforcement training purposes.

8 *h.* A member of the public who is a subject of the data who  
9 voluntarily requests retention of the data.

10 *i.* A parent or legal guardian of a minor who is a subject of  
11 the data who voluntarily requests retention of the data.

12 *j.* An immediate family member or legally authorized  
13 designee of a deceased person who is a subject of the data who  
14 voluntarily requests retention of the data.

15 3. To effectuate this section, a member of the public who is  
16 a subject of the body camera data, the parent or legal guardian  
17 of a minor who is a subject of body camera data, or an immediate  
18 family member or legally authorized designee of a deceased  
19 person who is subject of the data shall be permitted to review  
20 that specific body camera data in order to make a determination  
21 as to whether to voluntarily request that the data be subject  
22 to the retention period of at least two years under subsection  
23 2.

24 4. Notwithstanding section 22.7, subsection 5, body camera  
25 data involving any use of force by a peace officer shall be  
26 public record not exempt from public examination.

27 5. Notwithstanding section 22.7, subsection 5, any of the  
28 following persons may examine, obtain a copy of, publish, and  
29 disseminate body camera data under section 22.2:

30 *a.* A person who is a subject of the data or the person's  
31 attorney.

32 *b.* A parent or legal guardian of a person who is a minor  
33 who is a subject of the data or the attorney for the parent or  
34 legal guardian.

35 *c.* An immediate family member or legally authorized designee

1 of a deceased person who is a subject of the data or the  
2 attorney for the immediate family member or legally authorized  
3 designee.

4 *d.* Any other person seeking data if the person who is a  
5 subject of the data, or the attorney for the person who is a  
6 subject of the data, has given written authority to the law  
7 enforcement agency to disclose the data to that other person,  
8 unless the subject of the data is a minor.

9 *e.* Any other person seeking data if the parent or legal  
10 guardian of a minor who is a subject of the data, or the  
11 attorney for the parent or legal guardian, has given written  
12 authority to the law enforcement agency to disclose the data to  
13 that other person.

14 *f.* Any other person seeking data of a deceased person who is  
15 a subject of the data if the immediate family member or legally  
16 authorized designee of the deceased person or the attorney for  
17 the immediate family member or legally authorized designee  
18 has given written authority to the law enforcement agency to  
19 disclose the data to that other person.

20 6. A peace officer shall not review or receive an accounting  
21 of any body camera data that involves any use of force and is  
22 subject to the retention period of at least two years under  
23 subsection 2, prior to the peace officer's completion of any  
24 required initial reports, statements, and interviews regarding  
25 the recorded event.

26 7. A law enforcement agency shall not use or divulge body  
27 camera data for any commercial or other non-law enforcement  
28 purpose.

29 8. A law enforcement agency may authorize a third party to  
30 act as its agent in maintaining body camera data, provided that  
31 the agent shall not be permitted to independently examine or  
32 alter any data, except to delete data as required by law or  
33 agency retention policies.

34 9. This chapter shall not be construed to contravene any  
35 laws governing the maintenance and destruction of evidence in a

1 criminal investigation or prosecution.

2     Sec. 3. IMPLEMENTATION OF ACT. Section 25B.2, subsection  
3 3, shall not apply to this Act.

4                                   EXPLANATION

5             The inclusion of this explanation does not constitute agreement with  
6             the explanation's substance by the members of the general assembly.

7     This bill relates to access to and retention of peace officer  
8 body camera data.

9     The bill defines "body camera" to mean an electronic device  
10 that is capable of recording video and audio data or capable of  
11 transmitting video or audio data to be recorded remotely, and  
12 is worn on the person of a peace officer.

13     The bill defines "peace officer" to mean a peace officer  
14 defined in Code section 801.4(11)(a), (b), (c), (f), (g), (h),  
15 or (i), which excludes a parole or probation officer.

16     The bill does not require a law enforcement agency or peace  
17 officers to use body cameras. However, if a law enforcement  
18 agency uses body cameras, the bill sets out a process to retain  
19 the body camera data and to provide access to the data.

20     The bill provides as a general rule that a law enforcement  
21 agency that employs a peace officer whose body camera records  
22 body camera data shall retain the data for six months from the  
23 date it was recorded, after such time the body camera data  
24 shall be permanently deleted.

25     The bill requires that body camera data shall be  
26 automatically retained for at least two years from the date  
27 of the recording under the following circumstances: the data  
28 involves any use of force; the data involves events leading  
29 up to and including an arrest or detention of a person; the  
30 data involves an encounter about which a formal or informal  
31 complaint has been registered; the peace officer whose body  
32 camera recorded the data voluntarily requests retention if  
33 that officer reasonably asserts the data has evidentiary or  
34 exculpatory value; a peace officer, who is a subject of the  
35 data recorded by another peace officer's body camera, and who

1 voluntarily requests retention, if that officer reasonably  
2 asserts that the data has evidentiary or exculpatory value;  
3 a superior peace officer who requests retention of data if  
4 that superior peace officer reasonably asserts that the data  
5 has evidentiary or exculpatory value; a peace officer who  
6 voluntarily requests retention if the data is being retained  
7 solely and exclusively for law enforcement training purposes;  
8 a member of the public who is a subject of the data who  
9 voluntarily requests retention; a parent or legal guardian of  
10 a minor who is a subject of the data who voluntarily requests  
11 retention; or a deceased person's immediate family member or  
12 legally authorized designee who voluntarily requests retention.

13 The bill specifies that body camera data involving any use of  
14 force by a peace officer shall be a public record and shall not  
15 be exempt from public examination.

16 The bill provides that the following persons may examine,  
17 obtain a copy of, and disseminate body camera data: a person  
18 who is a subject of the data or the person's attorney; a parent  
19 or legal guardian of a person who is a minor who is a subject  
20 of the data, or the attorney for the parent or legal guardian;  
21 the immediate family member or legally authorized designee of a  
22 deceased person who is a subject of the data, or the attorney  
23 for the immediate family member or legally authorized designee;  
24 any other person seeking data, if the person who is a subject  
25 of the data, or the attorney for the person who is a subject of  
26 the data, has given written authority to the law enforcement  
27 agency to disclose the data to that other person, unless the  
28 subject of the data is a minor; any other person seeking data,  
29 if the parent or legal guardian of a minor who is a subject of  
30 the data, or the attorney for the parent or legal guardian,  
31 has given written authority to the law enforcement agency to  
32 disclose the data to that other person; or any other person  
33 seeking data of a deceased person who is a subject of the data,  
34 if the immediate family member or legally authorized designee  
35 of the deceased person, or the attorney for the immediate

1 family member or legally authorized designee, has given written  
2 authority to the law enforcement agency to disclose the data to  
3 that other person.

4 The bill prohibits a peace officer from reviewing or  
5 receiving an accounting of any body camera data that involves  
6 any use of force and is subject to a minimum two-year retention  
7 period under the bill, prior to completing any required initial  
8 reports, statements, and interviews regarding the recorded  
9 event.

10 The bill prohibits a law enforcement agency from using or  
11 divulging body camera data for commercial or other non-law  
12 enforcement purposes.

13 The bill allows a law enforcement agency to authorize a third  
14 party to act as its agent in maintaining body camera data,  
15 provided that the agent shall not be permitted to independently  
16 examine or alter any data, except to delete data as required by  
17 law or agency retention policies.

18 The bill specifies that any member of the public who  
19 is a subject of the body camera data, the parent or legal  
20 guardian of a minor who is a subject of body camera data, or a  
21 deceased person's immediate family member or legally authorized  
22 designee, shall be permitted to review that specific body  
23 camera data in order to make a determination as to whether to  
24 voluntarily request that the body camera data be subject to a  
25 two-year retention period under the bill.

26 The bill may include a state mandate as defined in Code  
27 section 25B.3. The bill makes inapplicable Code section 25B.2,  
28 subsection 3, which would relieve a political subdivision from  
29 complying with a state mandate if funding for the cost of  
30 the state mandate is not provided or specified. Therefore,  
31 political subdivisions are required to comply with any state  
32 mandate included in the bill.